

REMARKS

Claims 1-20 are pending in the present application.

Claims 1-20 have been rejected.

No claims have been allowed.

Claims 1, 4, 7, 8, 11, 14, 15, 18 and 20 are amended herein.

Claims 1-20 remain in the present application.

Reconsideration of Claims 1-20 is respectfully requested.

In Sections 1 and 2 of the final Office Action, mailed October 17, 2005, the Examiner rejected Claims 1-20 under 35 U.S.C. §103(a) as being unpatentable over United States Patent Publication No. 2002/0174431 A1 to *Bowman et al.* (hereafter, simply “*Bowman*”) in view of United States Patent No. 6,442,570 to *Wu* (hereafter, simply “*Wu*”). The Examiner asserted that the *Wu* reference teaches an auxiliary device (removable memory card 112) including sufficient storage for holding software to be downloaded (column 4, lines 30-34) and a connection between the wireless communication device and the auxiliary device wherein the software is to be downloaded to the auxiliary device and installed from the auxiliary device onto the wireless communications device (col. 4, lines 40-42).

The Applicants have amended independent Claims 1, 8 and 15 of the present application in order to more particularly point out and distinctly claim the Applicants’ invention. The Applicants direct the Examiner’s attention to Claim 1, which contains the unique and novel limitations emphasized below:

1. For use in a communications system, an apparatus for wireless software download to a wireless communications device capable of Internet access comprising:

an auxiliary device separate from the wireless communications device including sufficient storage for holding program code to be downloaded; and
a connection between the wireless communications device and the auxiliary device,

wherein the auxiliary device retrieves the program code to be downloaded from a remote server through a wireless connection for the wireless communications device into the auxiliary device and installs the downloaded program code from the auxiliary device onto the wireless communications device. (*Emphasis added*)

The Applicants respectfully assert that the above-emphasized limitation are not disclosed, suggested, or even hinted at in the *Bowman* reference or the *Wu* reference, or a combination of the *Bowman* and *Wu* references.

The Applicants submit that the removable memory card of the *Wu* reference is a passive device and not capable of retrieving program code from a remote server through a wireless connection. Nor is the removable memory card of *Wu* capable of installing the downloaded program code into a wireless communications device.

Thus, Claim 1 recites unique and non-obvious limitations that are not disclosed, suggested or even hinted at in the *Wu* reference. Furthermore, the *Bowman* reference does nothing to overcome the shortcomings of the *Wu* reference. This being the case, Claim 1 contains subject matter that is patentable over the *Bowman* reference, the *Wu* reference, or the combination of the *Bowman* and *Wu* references.

Dependent Claims 2-7 depend from Claim 1 and recite all of the unique and non-obvious limitations recited in Claim 1. Thus, Claims 2-7 are also patentable over the cited prior art

references. Also, independent Claims 8 and 15 recite limitations that are analogous to the unique and non-obvious limitations recited in Claim 1. This being the case, Claims 8 and 15 are patentable over the cited prior art references. Finally, dependent Claims 9-14 and 16-20, which depend from Claims 8 and 15, respectively, recite all of the unique and non-obvious limitations of their base claims. Thus, Claims 9-14 and 16-20 are also patentable over the cited prior art references.

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of pending claims and that this Application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at jmockler@davismunck.com.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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Date: 17 Jan. 2006

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